



BRB No. 18-0030
Case No. 2016-LDA-00956
OWCP No. 06-306434

RICHARD W. RICHTER)	
)	
Claimant-Petitioner)	
)	
v.)	
)	
TRIPLE CANOPY)	
)	DATE ISSUED: <u>Nov. 30, 2017</u>
and)	
)	
STARR INDEMNITY & LIABILITY)	
COMPANY)	
)	
Employer/Carrier-)	
Respondents)	ORDER

By motion filed November 16, 2017, claimant moves the Board to dismiss his appeal without prejudice, as he has filed a motion for modification pursuant to Section 22, 33 U.S.C. §922.

We dismiss claimant's appeal without prejudice, and we remand this case to the administrative law judge for modification proceedings.¹ 20 C.F.R. §802.301(c). Claimant's appeal of the administrative law judge's initial decision and his decision denying reconsideration will be reinstated provided claimant files a motion for reinstatement within 30 days of the date the administrative law judge's decision on modification is filed by the district director. Any party adversely affected by the decision granting or denying modification may file a new appeal with the Board within 30 days of

¹ Modification in a case arising under the Longshore Act or its extensions may be initiated before the administrative law judge while the case is pending before the administrative law judge or is on appeal to the Board. *L.H. [Henderson] v. Kiewit Shea*, 42 BRBS 25, 28-29 (2008).

the date the decision on modification is filed. 33 U.S.C. §921(a); 20 C.F.R. §§802.205, 802.301(c).

JUDITH S. BOGGS
Administrative Appeals Judge

GREG J. BUZZARD
Administrative Appeals Judge

JONATHAN ROLFE
Administrative Appeals Judge